



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/943,406 | 08/30/2001 | Sai Fai Chan | P/3987-6 | 8251 |

2352 7590 07/14/2005

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

CREPEAU, JONATHAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1746

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,406

Applicant(s)

CHAN, SAI FAI

Examiner

Jonathan S. Crepeau

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-27, 29-32 and 34-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-27, 29-32, 34 and 47-64 is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 35-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 1-11, 14-27, 29-32, and 34-64. Claims 15-27, 29-32, 34, and 47-64 remain allowed. Claims 1-11, 14, and 35-46 remain rejected under 35 USC §102. Accordingly, this action is made final.

Claim Rejections - 35 USC § 102

2. Claims 1-11, 14, and 35-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Bray (U.S. Patent 3,899,231). The reference is directed to an electrical connector (25; see Fig. 5) that is capable of functioning as a battery contact. The connector is sectioned into three sections: a top, angularly disposed linear section; a middle, straight section; and an end section (26) having both straight and bent portions. The middle section corresponds to the claimed “torsional region” and either end section corresponds to the “restraining leg” or the “battery terminal contact region.” With regard to the preambles of claims 1 and 35, the language employed by the preambles is considered to be functional in nature and represents the future intended use of the elongate wire (recited in the body of the claim) as a battery contact which is usable in a battery holder. In other words, the preamble is not seen to add structure to the subject matter recited in the body of the claim. See MPEP §2111.02. As such, the claims are anticipated by Bray.

Response to Arguments

3. Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive. Applicant states that "the Examiner allowed claim 15 because it recites 'a battery contact having a single torsional region,'" and asserts that claim 1 is allowable because it recites this feature. However, claim 15 was allowed because it recites this feature in combination with a battery holder. Claim 1 does not require the presence of a battery or a battery holder. In this regard, the remarks made in the above rejection are reiterated herein. The preamble of claim 1 is not considered to add structure to the elongate wire recited in the body of the claim. Further, the claimed "torsional region," "battery terminal contact region," etc. refer to the functions of those elements at a future point in time when the wire is used in a battery holder. Applicant has not specifically pointed out how the wire of Bray differs from the claimed wire in a structural, rather than functional, manner. The middle section of Bray's wire is capable of functioning as a torsional region when the wire is used in a battery holder. Further, the wire of Bray is capable of functioning as a "battery contact" since it is made of metal. As such, since there are no structural differences between the wire of Bray and the presently claimed wire, the rejection over Bray is maintained.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

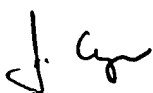
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached at (571) 272-1414. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 1746

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonathan Crepeau

Primary Examiner

Art Unit 1746

July 11, 2005